

OGC Has Reviewed

**Proposal for Legislation to Provide a Death Gratuity to Certain
Dependents of Agency Officers and Employees**

A new subsection is added at the end of Section 9 of the Act of June 20, 1949 (53 Stat. 209) as follows:

"(d)(1) Immediately upon official notification of the death, not the result of his own misconduct, of any officer or employee of the Central Intelligence Agency the head of the Agency shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer or employee previously designated by him, the sum of \$1,000, in addition to such other benefits as the dependents or the estate of the decedent may be entitled under any other provision of law. The head of the Agency shall establish regulations requiring each officer and employee having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death.

(2) Said amount shall be paid from any funds appropriated to the Agency; PROVIDED, That none of such funds shall be used for the payment of such sum to any married child or unmarried child over twenty-one years of age of a deceased officer or employee who is not actually a dependent of such deceased officer or employee, and PROVIDED FURTHER, That in the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized herein, such gratuity shall be paid to the next living beneficiary in the order of succession above stated, and PROVIDED FURTHER, That if there be no widow, child or previously designated dependent relative, the head of the Agency shall cause the amount herein provided to be paid to any grandchild, parent, brother, sister, or grandparent shown to have been dependent upon such officer or employee prior to his death.

(3) Such gratuity shall not be subject to set-off, attachment, execution or other legal process seeking to charge such gratuity with the satisfaction of any indebtedness of the decedent.

(4) The head of the Agency shall have the right to determine cases of alleged misconduct or dependency and make awards under this section, and his determination of any matter pertaining to such award shall be final and conclusive upon the accounting officers of the Government."

18 September 1953

MEMORANDUM FOR: Chairman, Legislative Task Force

SUBJECT : Preliminary Report of the Legislative Task Force

1. As is anticipated by the final paragraph of the Preliminary Report of the Legislative Task Force, the attached document falls short of treating all substantive issues raised by proposed career service legislation. For example, we have in mind the basic considerations immediately arising in distinguishing categories of personnel, careerist and noncareerist; administration and management of career service and noncareer service; the need for authorities similar to that of Sec. 853, as economy drives, change of location, etc., of the regulatory establishment may make internal administrative determinations of the Agency vulnerable; problems inherent in preferential legislation, e.g., procurement; the need for further study in connection with the consolidation of P.L. 110 with other related statutes.

2. The attached is submitted with reservations, for the objectives sought coupled with the nature of the material involved warrant a more leisurely approach; hence, the attached is not legally artistic, but may suffice for purposes of discussion.


Assistant General Counsel

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1 Att - Intelligence Service
Act of 1953

OGC:JBK:jeb

cc: OGC chrono

OGC subject "Legislative Task Force-Career Service"